

# *Memorandum*

**TO:** PARKS DIVISION STAFF

**FROM:** Mark Marney

**SUBJECT:** NO SMOKING CAMPAIGN

**DATE:** 12-17-08

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This memorandum provides information to City staff related to the **No Smoking in Parks** Campaign and to outline expectations regarding enforcement of the No Smoking in Parks ordinance.

Park rules signage was redesigned with the updated ordinances and is in fabrication. Installation of the new signage is targeted for February-March 2009. Until the new signs are installed, all parks have temporary no-smoking signs posted.

The Community Education Program will begin January 5, 2009. Funding was secured in the amount of \$50,000 this year through HNVF and is subject to approval for two additional years. The Education Program has five specific components:

1. Pre-recorded television public service announcements
  2. Radio public service announcements
  3. Use of Clear Channel Sign/Bulletin Boards
  4. Utilize standard City information distribution channels
  5. Information cards for distribution by parks, community center, and SNI staff.
- PRNS has received confirmation from local television stations that they will air the PSA heavily during the month of January and will keep the PSA in their play list through out the year.
  - Radio scripts have been prepared with the no smoking in parks message and will run heavily during the month of January.
  - The City will pay to place messages on existing Clear Channel bulletin billboards along Highways 101 and 880, on smaller existing poster billboards currently located prominently along thoroughfares in each Council District and on several Transit shelters throughout the City. The Clear Channel sign/bulletin boards will be up for 30 days starting January 5
  - The No Smoking message will also be placed on the City/PRNS WebPages, on Civic Center TV, in the Travel Kiosks at City Hall, the airport, on the LCD screens in City Hall and printed in the Citywide Activity Guide.
  - Printed educational cards for staff to distribute to violators of the ordinance will be bundled in packets of 50. Maintenance Supervisors and Park Facility Supervisors will receive the cards for staff use in the field. The front of the card is printed with a positive message of "Have Fun. Breathe Easy. Enjoy Smoke Free Parks." The back of the card

has information on the smoking prohibition printed in three languages- English, Spanish and Vietnamese.

There are currently 10,000 cards for distribution, with a second order to be made in January 2009. The first distribution will be through the Parks Division with the second distribution through Community Centers and Strong Neighborhoods Initiative staff for the summer season. The Marketing and Events Team, located in the Octagon Room at Leininger Center, will provide additional information cards upon request. Staff has requested that both Police and Fire incorporate the messaging into their public outreach as well.

Compliance with the ordinance is primarily intended to be accomplished through education. If staff is asked to contact an individual smoking in a park, staff should hand the smoking compliance information card to the smoking party requesting compliance. Non-sworn staff is not to make other contact. If compliance is not gained or the individual becomes aggressive, staff shall contact San Jose Police Department. San Jose Police Department (SJPD) can cite non compliance smoking under San Jose Municipal Code 9.44.010. Staff understands that enforcement of the No-Smoking in Parks ordinance is low priority for SJPD. If other issues such as aggressive behavior stem from a request for compliance, these issues are to be conveyed to SJPD dispatch when the call is placed. San Jose Park Rangers can also issue citations for violations of the ordinance, but in Regional Parks only. Citations should be the last possible solution for gaining compliance.

### **Summary**

In summary, the Community Education Program is planned to be funded for three years through the HNVF grant, subject to appropriation of funds. Each year of approved funding PRNS will implement the Education Program. The Community Education Program will begin on January 5 and continue throughout the year. Park staff will be distributed Information Cards to assist with the educational campaign and enforcement becomes the responsibility of San Jose Police Department.

### **Background**

In October 2007, City Council approved City Ordinance 28159 amending Sections 9.44.022, 9.44.030 and 9.44.040 of Chapter 9.44 of Title 9 of the San Jose Municipal Code prohibiting smoking in parks, community centers, and libraries. As part of the approval process, City Council directed staff to work with stakeholders to develop and implement a comprehensive Community Education Plan. The funding for cost-effective signage to educate residents was secured from Construction and Conveyance Tax Funds and funding for the Community Education Program was secured through a grant from the Healthy Neighborhood Venture Fund (HNVF). Funding in FY 2008-09 is \$50,000.

Thank you for your support with the Community Education Program and if there are questions related to the smoking ban, please contact Cindy Rebhan at 408.277.5739.